

1 FRANCIS M. GOLDSBERRY II, State Bar No. 063737  
FRANCIS M. GOLDSBERRY III, State Bar No. 178739  
2 **GOLDSBERRY, FREEMAN & GUZMAN, LLP**  
777 12<sup>th</sup> Street, Suite 250  
3 Sacramento, CA 95814  
Telephone: (916) 448-0448  
4 Facsimile: (916) 448-8628

5 Attorneys for CITY OF CHICO  
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8  
9 BEFORE THE CALIFORNIA STATE  
10 WATER RESOURCES CONTROL BOARD

11 In Re: ) **PETITION FOR REVIEW BY THE CITY**  
12 City of Chico, Baldwin Contracting Company, ) **OF CHICO**  
Inc., Virginia L. Drake, Trustee, Drake ) **(Requested to be held in Abeyance)**  
13 Revocable Trust, Darwin H. and Nina R. )  
Simmons, Trustees, Simmons Family Trust, and ) California Regional Water Quality Control  
14 James E. Simmons, Humboldt Road Burn ) Board – Central Valley Region, May 4, 2006  
Dump Area 8, Assessors Parcel Number 018- ) Hearing, Administrative Civil Liability Order  
15 390-014, Butte County. ) No. R5-2006-0034  
16

17 TO ALL PARTIES AND THE ATTORNEYS OF RECORD IN THIS ACTION:

18 The following is a Petition for Review, filed on behalf of the City of Chico ("Petitioner") to  
19 the State Water Resources Control Board for review of the California Regional Water Quality Control  
20 Board-- Central Valley Region's adoption of Administrative Civil Liability Order No. R5-2006-0034.

21 1. **Petitioner's Name and Address** (23 Cal. Code Regs. § 2050(a)(1))

22 City of Chico  
411 Main Street  
23 P.O. Box 3420  
Chico, CA 95927

24 2. **Specific Action to be Reviewed** (23 Cal. Code Regs. § 2050(a)(2))

25 Issuance of Administrative Civil Liability Order No. R5-2006-0034.

26 3. **Date of Regional Board Action** (23 Cal. Code Regs. § 2050(a)(3))

27 The Regional Water Quality Control Board adopted the above-referenced Administrative Civil  
28

1 Liability Order No. R5-2006-0034 on May 4, 2006.

2 4. **Statement of Reasons** (23 Cal. Code Regs. § 2050 (a)(4))

3 Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. §  
4 2050.5 and it reserves the right to supplement this Petition for Review with a statement of reasons.

5 5. **Manner in Which Petitioner is Aggrieved** (23 Cal. Code Regs. § 2050(a)(5))

6 Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. §  
7 2050.5 and it reserves the right to supplement this Petition for Review with a description of the  
8 manner in which Petitioner is aggrieved.

9 6. **Specific Action Requested** (23 Cal. Code Regs. § 2050(a)(6))

10 Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. §  
11 2050.5 and it reserves the right to request review and supplement this Petition for Review with a  
12 description of the specific action requested.

13 7. **Statement of Points and Authorities** (23 Cal. Code Regs. § 2050(a)(7))

14 Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. §  
15 2050.5 and it reserves the right to submit a statement of points and authorities.

16 8. **Regional Board Notification** (23 Cal. Code Regs. § 2050(a)(8))

17 A copy of this petition has been sent to the Regional Water Quality Control Board (see Exhibit  
18 "A" attached hereto) and all other named dischargers.

19 9. **Statement of Substantive Issues and Objections** (23 Cal. Code Regs. § 2050(a)(9))

20 Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. §  
21 2050.5 and it reserves the right to assert the substantive issues and objections that the Petitioner raised  
22 prior to the time of the hearing.

23 10. **List of Persons**

24 Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs.  
25 § 2050.5 and it reserves the right to provide a list of persons known to have an interest in the subject  
26 matter of this petition.

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11. **Record Request**

Petitioner requests that this petition be held in abeyance pursuant to 23 Cal. Code Regs. § 2050.5 and it reserves the right to request that the Regional Water Quality Control Board prepare the record.

PETITIONER HEREBY REQUESTS that this matter be held in abeyance until further notice. Petitioner reserves the right to request a hearing to present evidence available that was not considered by the Regional Board or was improperly excluded or otherwise not considered.

Dated: May 23, 2006.

GOLDSBERRY, FREEMAN & GUZMAN, LLP

By:   
FRANCIS M. GOLDSBERRY II  
Attorneys for the City of Chico



May 23, 2006

Pamela Creedon  
Executive Officer  
Regional Water Quality Control Board  
Central Valley Region  
11020 Sun Center Drive, #200  
Rancho Cordova, CA 95670-6114

Re: Humboldt Road Burn Dump Area 8  
Administrative Civil Liability Order No. R5-2006-0034

Dear Ms. Creedon:

Enclosed please find a copy of the City of Chico's Petition for Review regarding the above-referenced Administrative Civil Liability Order, which has been filed with the State Water Resources Control Board. As you will note, this petition has been filed with a request that it be held in abeyance.

Very truly yours,

  
Francis M. Goldsberry II

FMG:do  
Enclosure

cc: Jeffory J. Scharff, Esq.  
Randy Nelson, Esq.  
Dave Frank, Esq.  
Mike Brady, Esq.  
David Boyers, Esq.  
Elizabeth Miller Jennings, Esq.  
Frances McChesney, Esq.

1 PROOF OF SERVICE

2 I am a citizen of the United States and am employed in the County of Sacramento, State of  
3 California. I am over the age of eighteen (18) and not a party to the within action. My business  
4 address is 777 Twelfth Street, Suite 250, Sacramento, California 95814. I am familiar with the  
5 business practices of the Law Offices of Goldsberry, Freeman & Guzman, LLP for collecting and  
6 processing mail and know that the mail in said offices is collected and processed on the same date as  
7 indicated below.

8 On the date below, I served the foregoing document(s) described as:

9 **PETITION FOR REVIEW BY THE CITY OF CHICO**

10 on the interested parties in this action by placing true copies thereof enclosed in a sealed envelope  
11 addressed as follows:

12 Randall Nelson, Esq.  
13 Carr, Kennedy, Peterson & Frost  
14 420 Redcliff Drive  
15 Redding, CA 96002

Attorneys for Darwin H. and Nina R. Simmons, Trustees  
of the Simmons Family Trust; James E. Simmons

16 David R. Frank  
17 Office of the City Attorney  
18 411 Main Street, 3<sup>rd</sup> Floor  
19 P.O. Box 3420  
20 Chico, CA 95927

Attorneys for City of Chico

21 Michael V. Brady, Esq.  
22 Diepenbrock Harrison APC  
23 400 Capitol Mall, Suite 1800  
24 Sacramento, CA 95814

Attorneys for Baldwin Contracting Company, Inc.

25 Jeffory Scharff, Esq.  
26 2625 Fair Oaks Blvd., #7  
27 Sacramento, CA 95864

Attorney for Virginia L. Drake, Trustee of the Drake  
Revocable Trust

28 Frances McChesney, Esq.  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

David Boyers, Esq.  
State Water Resources Control Board  
P.O. Box 100  
Sacramento, CA 95812-0100

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(BY MAIL) I caused such envelope with postage thereon fully prepaid to be placed  
in the United States mail at Sacramento, California.

(PERSONAL SERVICE) I caused such envelope to be delivered by hand to the  
offices of the addressee(s).

(BY FEDERAL EXPRESS) I caused such envelope with postage thereon fully  
prepaid to be placed in Federal Express mail at Sacramento, California.

(VIA FACSIMILE) I caused such document to be sent via facsimile to the above-  
listed facsimile number(s) and thereafter caused a copy to be placed in the United  
States mail at Sacramento, California.

1  
2 I declare under penalty of perjury under the laws of the State of California that the foregoing  
3 is true and correct. I declare that I am employed in the offices of a member of the bar of this court at  
4 whose direction the service was made.

5 Executed May 23, 2006, at Sacramento, California.

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7 Diane Oliver  
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